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He wrote about a Palace,' and the U.S. government rather he hadn't

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James Bamford finds himself in an odd position.

He has written a book about how the United States government has invaded the privacy of its citizens, and now the government says Bamford is invading its privacy.

Bamford, a 35-year-old author-lawyer from Natick, has completed what may be the most revealing book written about the National Security Agency (NSA), an organization whose existence for many years was denied by the government and whose initials, according to one Washington joke, stood for No Such Agency.

The NSA, whose main job is electronic intelligence-gathering, is so secret that it was created within the Defense Department by a 1952 presidential order that has never been made public, and that has been implemented by directives that also have eluded the public view.

Since July, the Justice Department and the NSA have been demanding that Bamford return — and not publish in his book — the contents of "Top Secret" documents that the Justice Department declassified and released to Bamford in 1979 under the Freedom of Information Act.

"The government is trying to classify, after the fact, an unclassified document I have," Bamford said. "It's kind of a scary precedent to set."

Bamford's book, "The Puzzle Palace: A Report on America's Most Secret Agency," is scheduled for publication by Houghton-Mifflin Co. in the fall.

"When I set out to write," Bamford said in an interview last week, "I didn't set out to write a nursery rhyme. I set out to write about a controversial topic." But, he added, "this is not a diatribe against the NSA. I think we need the NSA. It is very important and it is one of the best tools we have against the Soviet Union."

The documents, which the Justice Department said were released "only due to acknowledged errors in procedure" and which Bamford said constitute only a small portion of his book, provide an inside view of the history and some of the operations, legal and otherwise, of the NSA. And they reveal several previously undisclosed facts of life in the intelligence community. From the 250 pages of documents obtained by The Globe it has been learned:

- That the Justice Department, during a 1975-76 investigation of NSA espionage tactics, had uncovered 23 categories of "questionable activities" by the agency, but recommended against prosecuting or investigating further any of them. The examination of NSA was undertaken as part of the increased scrutiny given many US intelligence agencies, including the FBI and CIA, during the Ford Administration.

- That the British national security agency, Government Communications Headquarters (GCHQ), had eavesdropped on American citizens and organizations and then provided the information to American intelligence officials as part of domestic US espionage operations, which are illegal. It is unclear from the documents where the eavesdropping occurred.

How far the government will go to get back the documents, from which portions had been deleted before they were released, is uncertain. Justice Department and NSA officials said last Friday they would not discuss either legal strategies or the contents of the documents.

Bamford believes the real bone in the throat of the US government is the single paragraph about the British intelligence service. "That's a very important disclosure," Bamford said, "because it means that the British can intercept domestic US communications traffic that the NSA is prohibited from intercepting and then just turn the product, the tapes, en masse, over to the NSA. And we would do the same for them."

The arrangement, Bamford said, gives the NSA "deniability. They can just run those tapes and [claim] they haven't done a thing illegal."

Most of the 23 categories of "questionable activities" cited by the Justice Department in its 1975-76 investigation of NSA appear to involve two previously reported operations, Minaret and Shamrock. The statute of limitations had passed on some of the activities, some "clearly possess no prosecutive potential," and "only eight merit further discussion," the Justice Department concluded, according to the declassified documents Bamford received.

During Minaret, the NSA gathered information about political dissident groups for the FBI and Secret Service. The critical paragraph that the Justice Department and NSA apparently want returned to "Top Secret" status states that some of the intelligence information collected under Minaret came from the British GCHQ. Under Shamrock, the NSA had an arrangement with some cable companies to intercept international communications.

The Justice Department concluded that if prosecution were to proceed against NSA officials, "there appears to be little likelihood, if any, that convictions could be obtained on the basis of currently available evidence or evidence which might reasonably be developed."

In addition, the investigators said that "there is likely to be much 'buck-passing' from subordinate to superior, agency to agency, agency to board or committee, board or committee to the President, and from the living to the dead. The defense may be expected to subpoena every tenuously involved government official and former official to establish legitimate authorization or convoluted theories or pur-

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